

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA and the  
STATE OF MICHIGAN,

Plaintiffs,

v.

BLUE CROSS BLUE SHIELD OF  
MICHIGAN, a Michigan nonprofit  
healthcare corporation,

Defendant.

Civil Action No.  
2:10-cv-14155-DPH-MKM  
Hon. Denise Page Hood  
Mag. Judge Mona K. Majzoub

**ORDER OF DISMISSAL WITHOUT PREJUDICE**

As more fully described in the Stipulated Motion and Brief for Dismissal Without Prejudice filed by all parties to this action on March 25, 2013 (which is hereby adopted and incorporated into this Order), on March 18, 2013, the State of Michigan enacted laws (2013 P.A. 4 and 2013 P.A. 5) that, beginning January 1, 2014, ban the use of most favored nation clauses by insurers, health maintenance organizations, and nonprofit health care corporations in contracts with providers. In prohibiting MFNs by all insurers, those laws will prohibit defendant Blue Cross Blue Shield of Michigan and its subsidiary Blue Care Network from using the most favored nation clauses challenged in this action, or other most favored nation clauses with hospitals in Michigan, regardless of how Blue Cross may be organized. In the interim, pursuant to orders issued by the Commissioner of the Michigan Office of Financial and Insurance Regulation, “all MFNs currently in use by any insurer are void and unenforceable” as of February 1, 2013, and no new MFNs

can be used or enforced without the Commissioner's prior review and approval, rendering Blue Cross's MFN clauses void and ineffective.

The parties have conferred and agree that the injunctive relief sought by the United States of America and State of Michigan against Blue Cross Blue Shield of Michigan is now unnecessary in light of the enactment of 2013 P.A. 4 and 2013 P.A. 5, and the Commissioner's order.

NOW, THEREFORE, for good cause shown, it is hereby ORDERED that this case is DISMISSED WITHOUT PREJUDICE pursuant to Fed. R. Civ. P. 41(a)(2). Each side shall bear its own costs.

Dated: March 28, 2013

s/Denise Page Hood  
DENISE PAGE HOOD  
U.S. DISTRICT COURT JUDGE

I hereby certify that a copy of this order was served upon the attorneys of record on this date, March 28, 2013, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry  
Case Manager